

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 13, 15, 16, 19, 20, 22, 24-28, and 31-33 are presently active in this case. Claims 13, 15, 16, 19, 20, 22, 24-26, 31, and 32 have been allowed. Claims 27 and 28 have been amended by way of the present Amendment. Care has been taken such that no new matter has been entered.

Claims 9-12, 17, 18, 21, 29, and 30 have been canceled without prejudice or disclaimer, since they have been determined to be drawn to a non-elected species and thus have been withdrawn from consideration.

In the outstanding Official Action, Claims 27 and 28 were rejected under 35 U.S.C. 102(b) as being anticipated by Saito (U.S. Patent No. 5,150,162). Claims 27 and 28 were also rejected under 35 U.S.C. 102(b) as being anticipated by Kato et al. (U.S. Patent No. 6,118,951). For the reasons discussed below, the Applicants request the withdrawal of the anticipation rejections.

In the Office Action, the Saito reference is indicated as anticipating each of Claims 27 and 28. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. As will be demonstrated below, the Saito reference clearly does not meet each and every limitation of independent Claims 27 and 28.

Claims 27 and 28 of the present application advantageously recite a developer container comprising a shutter including a shutter member for closing a developer outlet when the shutter member is fitted to the developer outlet, and a member attached to the

shutter member and configured to move the shutter member between an open position and a closed position, wherein the shutter, including the shutter member and the member attached to the shutter member, is provided completely outside of the mouth member. The Applicants respectfully request the withdrawal of the anticipation rejections of Claims 27 and 28 based on the Saito reference and the Kato et al. reference, since these references do not disclose such features.

The Official Action cites a packing (85) of the Saito reference for the teaching of the shutter member of the present application, the screw (83) as the member attached to the shutter member, and sleeve (84) as the mouth member. As is evident from the figures of the Saito reference, the screw (83) is provided within the lower portion of the toner hopper (81) and extends through the center of the sleeve (84) and the tube (82). Accordingly, the Saito reference does not disclose *a shutter as defined in Claims 27 and 28, wherein the shutter, including the shutter member and the member attached to the shutter member, is provided completely outside of the mouth member.*

Thus, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 27 and 28 of the present application based on the Saito reference.

Regarding the anticipation rejection based on the Kato et al. reference, the Official Action cites the cap (7a) of the Kato et al. reference for the teaching of the shutter member of the present application, the chuck (15) as the member attached to the shutter member, and mouth (23) as the outlet of the mouth member. As is evident from the figures (e.g., Figures 4 and 5) of the Kato et al. reference, the cap (7a) moves through the outlet of mouth (23) and within the neck of the mouth (23) in the closed position in order to prevent toner from exiting the outlet of the mouth (23). As depicted in Figure 5, when the cap (7a) is moved outside of

Application Serial No.: 10/829,227
Reply to Office Action dated June 30, 2006

the mouth (23) then toner exits the outlet of the mouth, and when the cap (7a) is positioned within the mouth (23) in the closed position depicted in Figure 4, then toner is prevented from exiting the outlet of the mouth (23). Accordingly, the Kato et al. reference does not disclose *a shutter as defined in Claims 27 and 28, wherein the shutter, including the shutter member and the member attached to the shutter member, is provided completely outside of the mouth member.* As depicted in Figure 4, in order for the cap (7a) to closed the outlet of the bottle, the cap (7a) must be provided within the mouth (23).

Thus, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 27 and 28 of the present application based on the Kato et al. reference.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Registration No. 34,648
Attorney of Record

Christopher D. Ward
Registration No. 41,367

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/01)

JJK:CDW:brf

I:\attyl\cdw\25xxxx\252051US3 CONT\am6.doc